

**SEMINOLE COUNTY GOVERNMENT  
AGENDA MEMORANDUM****SUBJECT:** Eden Point Rezone from A-1 (Agriculture) to PUD (Planned Unit Development)**DEPARTMENT:** Planning and Development      **DIVISION:** Planning**AUTHORIZED BY:** Dori DeBord**CONTACT:** Austin Watkins**EXT:** 7440**MOTION/RECOMMENDATION:**

1. Approve an ordinance to rezone 26.78 ± acres, located on the west side of Dodd Road and North of Howell Branch Road, from A-1 (Agriculture) to PUD (Planned Unit Development), and approve the attached Preliminary Master Plan and Development Order, and authorize the Chairman to execute the aforementioned documents, per staff findings; (Ralph Spano/Spano & Associates, applicant); or
2. Deny the request to rezone 26.78 ± acres, located on the west side of Dodd Road and North of Howell Branch Road, from A-1 (Agriculture) to PUD (Planned Unit Development) and authorize the Chairman to execute the Denial Development Order; (Ralph Spano/Spano & Associates, applicant); or
3. Continue the item to a time and date certain.

District 1 Bob Dallari

Austin Watkins

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**BACKGROUND:**

The applicant is requesting a rezone from A-1 (Agriculture) to PUD (Planned Unit Development) on approximately 26.78 ± acres, located on the west side of Dodd Road and North of Howell Branch Road. The requested zoning will allow a maximum of thirty-nine (39) lots. Eleven (11) lots will have lake access and be a minimum of 11,900 square feet. The remaining twenty-eight (28) lots will be a minimum of 6,900 square feet. A stormwater retention pond with amenities will be included in the PUD as part of the common open space requirement. The net density of the proposed PUD is three (3) dwelling units per net buildable acre. The existing Future Land Use on the property is Low Density Residential which allows for a maximum of four (4) dwelling units per net buildable acre.

**PLANNING AND ZONING COMMISSION/LPA RECOMMENDATION:**

The Planning and Zoning Commission met on November 7, 2007 and voted 4 to 0 to recommend approval of the request for a rezone from A-1 (Agriculture) to PUD (Planned Unit Development), on approximately 26.78 ± acres, located on the west side of Dodd Road and North of Howell Branch Road, and recommend approval of the attached Preliminary Master Plan and Development Order.

**STAFF RECOMMENDATION:**

Staff recommends the Board Approve an ordinance to rezone 26.78 ± acres, located on the west side of Dodd Road and North of Howell Branch Road, from A-1 (Agriculture) to PUD (Planned Unit Development), and approve the attached Preliminary Master Plan and Development Order, and authorize the Chairman to execute the aforementioned documents, per staff findings

**ATTACHMENTS:**

1. Staff Analysis
2. Location Map
3. Zoning and Future Land Use Map
4. Aerial Map
5. Preliminary Master Plan
6. Approval Development Order
7. Rezone Ordinance
8. Denial Development Order
9. November 7, 2007 P&Z Minutes
10. School Capacity Analysis

**Additionally Reviewed By:**

☒ County Attorney Review ( Kathleen Furey-Tran )

<b>Eden Point Rezone</b>		
<b>APPLICANT</b>	Ralph Spano	
<b>PROPERTY OWNER</b>	Eden Point, LLC & Thelma C. Yates	
<b>REQUEST</b>	Rezone from A-1 (Agriculture) to PUD (Planned Unit Development)	
<b>PROPERTY SIZE</b>	26.78 ± acres	
<b>HEARING DATE (S)</b>	P&Z: November 7, 2007	BCC: January 8, 2008
<b>PARCEL ID</b>	26-21-30-300-0260-0000	
<b>LOCATION</b>	Located on the West side of Dodd Road & North Howell Branch Road	
<b>FUTURE LAND USE</b>	Low Density Residential (LDR)	
<b>ZONING</b>	A-1 (Agriculture)	
<b>FILE NUMBER</b>	Z2007-53	
<b>COMMISSION DISTRICT</b>	#1 – Dallari	

### **Proposed Development:**

The applicant is proposing a residential subdivision consisting of thirty-nine (39) lots. Eleven (11) lots will have lake access and be a minimum of 11,900 square feet and the remaining twenty-eight (28) lots will be a minimum of 6,900 square feet with an amenitized stormwater retention pond to include a mulch trail and bench.

### **ANALYSIS OVERVIEW:**

#### **ZONING REQUEST**

The following tables depict the minimum regulations for the current zoning district of A-1 (Agriculture) and the requested district of PUD (Planned Unit Development):

<b>DISTRICT REGULATIONS</b>	<b>Existing Zoning (A-1)</b>	<b>Proposed Zoning (PUD)</b>
Minimum Lot Size	43,560 square feet	6,900 square feet
Minimum House Size	N/A	N/A
Minimum Width at Building Line	150 feet	11 lots=85 ft/28 lots =60 ft
Front Yard Setback	50 feet	20 feet
Side Yard Setback	30 feet	11 lots=10 ft/28 lots=5 ft
Side Street Setback	50 feet	15 feet
Rear Yard Setback	10 feet	11 lots=20 ft/28 lots=15 ft
Maximum Building Height	35 feet	35 feet

## PERMITTED & SPECIAL EXCEPTION USES

The following table depicts the permitted and special exception uses within the existing and proposed zoning districts:

Uses		A-1 (Agriculture)	PUD (proposed)
Permitted Uses	Agricultural uses such as citrus or other fruit crops cultivation, production and horticulture, truck farms, plant nurseries and greenhouses not involved with retail sales to the general public, silva culture, public and private elementary schools, publicly owned and/or controlled parks and recreation areas, bait production, stables, barns, single-family dwelling and customary accessory uses including one (1) guesthouse or cottage, docks and boathouses, churches and structures appurtenant thereto, community residential homes (group homes and foster care facilities) housing six (6) or fewer permanent unrelated residents.		Single-Family Dwelling, Home Occupations, Home Offices.
Special Exception Uses	Special Exceptions such as cemeteries and mausoleums, kennels including the commercial raising or breeding of dogs, hospitals, sanitariums and convalescent homes, veterinary clinics and assisted living facilities and group homes, public and private nursery schools, kindergartens, middle schools, high schools and colleges, public utility and service structures, fishing camps, marinas, gun clubs, or similar enterprises or clubs making use of land with nominal impacts to natural resources, privately owned and operated recreational facilities open to the paying public, such as athletic fields, stadium, racetracks, and speedways, golf driving ranges, riding stables, water plants, and sanitary landfill operations, off-street parking lots, farm worker housing, mobile homes, retail nurseries, landscaping contractors as an accessory use to a wholesale nursery or wholesale tree farm, communication towers, bed and breakfast establishments.		N/A
Minimum Lot Size		43,560 sq. ft.	6,900 sq. ft.

## COMPATIBILITY WITH SURROUNDING PROPERTIES

The surrounding area has the Low Density Residential Future Land Use designation and is assigned the A-1, R-1, or PUD zoning classification. The applicant is proposing eleven (11) lake access lots with a minimum lot size of 11,900 square feet and a minimum width at the building line of 85 feet and twenty-eight (28) lots with a minimum lot size of 6,900 square feet and a minimum width at the building line of 60 feet. Lot sizes for the Cypress Cove PUD located to the northeast of this site are a minimum of 9,000 square feet. Lot sizes for the East Woodlyn Crossings PUD located directly east of the property are a minimum of 5,000 square feet. The lot sizes in the Howell Branch Road PUD located directly to the west of the property are a minimum of 11,700 square feet. This proposal is



consistent with the surrounding single-family subdivisions to the north, east and south of the subject property.

## **SITE ANALYSIS:**

### **ENVIRONMENTAL IMPACTS**

#### *Floodplain Impacts:*

Based on FIRM map panel number 12117C0210E and 12117C0145E, with an effective date of 1995, there appears to be no floodplains on the subject property.

#### *Wetland Impacts:*

Based on preliminary aerial photo and County wetland map analysis, the subject property contains wetlands. Compliance with the Land Development Code regarding development within and around wetland areas is required prior to the issuance of any building permits.

#### *Endangered and Threatened Wildlife:*

Based on preliminary analysis, there may be endangered and threatened wildlife on the subject property. A threatened and endangered study along with a species of special concern survey will be required prior to final engineering approval.

### **PUBLIC FACILITY IMPACTS**

Rule 9J-5.0055(3), Florida Administrative Code, requires that adequate public facilities and services be available concurrent with the impacts of development. The applicant has elected to defer Concurrency Review at this time. The applicant will be required to undergo Concurrency Review prior to final engineering approval.

The following table depicts the impacts the proposed development has on public facilities:

#### *Utilities:*

The site is located in the Southeast Seminole County utility service area, and will be required to connect to public utilities. There is a 24-inch water main on the east side of Dodd Road. The subject property is in the ten year master plan for reclaimed water.

*Transportation / Traffic:*

The property proposes is adjacent to Dodd Road which is classified as a collector road. Dodd Road is not currently operating at a level-of-service “A” and does not have improvements programmed in the County 5-year Capital Improvement Program.

*School Impacts:*

The Seminole County Public School District has prepared an analysis which is included as an attachment to this report.

*Drainage:*

The proposed project is located within the Howell Creek Drainage Basin, and has limited downstream capacity. The site will have to be designed to hold 25-year, 24-hour storm event.

*Parks, Recreation and Open Space:*

The applicant will need to designate 6.7 acres of usable open space, per Section 30.451 (e) of the Land Development Code. The details of the open space and amenities will be provided at the time of the Final Master Plan Approval.

*Buffers and Sidewalks:*

The applicant is not proposing any buffers. There is an existing four (4) foot wide sidewalk along Dodd Road. The applicant will be required to provide four (4) foot wide sidewalks internal to the development.

**APPLICABLE POLICIES:**

**FISCAL IMPACT ANALYSIS**

This project does not warrant running the County Fiscal Impact Analysis Model.

**SPECIAL DISTRICTS**

The subject property is not located within any special district or overlay.

**COMPREHENSIVE PLAN (VISION 2020)**

The County’s Comprehensive Plan is designed to preserve and enhance the public health, safety and welfare through the management of growth, provision of adequate public services and the protection of natural resources.

The proposed project is consistent with the following list of policies (there may be other provisions of the Comprehensive Plan that apply that are not included in this list):

Policy FLU 2.11:	Determination of Compatibility in PUD and PCD Zoning Classifications
Policy FLU 12.4:	Relationship of Land Use to Zoning Classifications
Policy FLU 12.5:	Evaluation Criteria of Property Rights Assertions
Policy PUB 2.1:	Public Safety Level-of-Service
Policy POT 4.5:	Potable Water Connection
Policy SAN 4.4:	Sanitary Sewer Connection
Policy PUB 2.1:	Public Safety Level-of-Service

**INTERGOVERNMENTAL NOTIFICATION:**

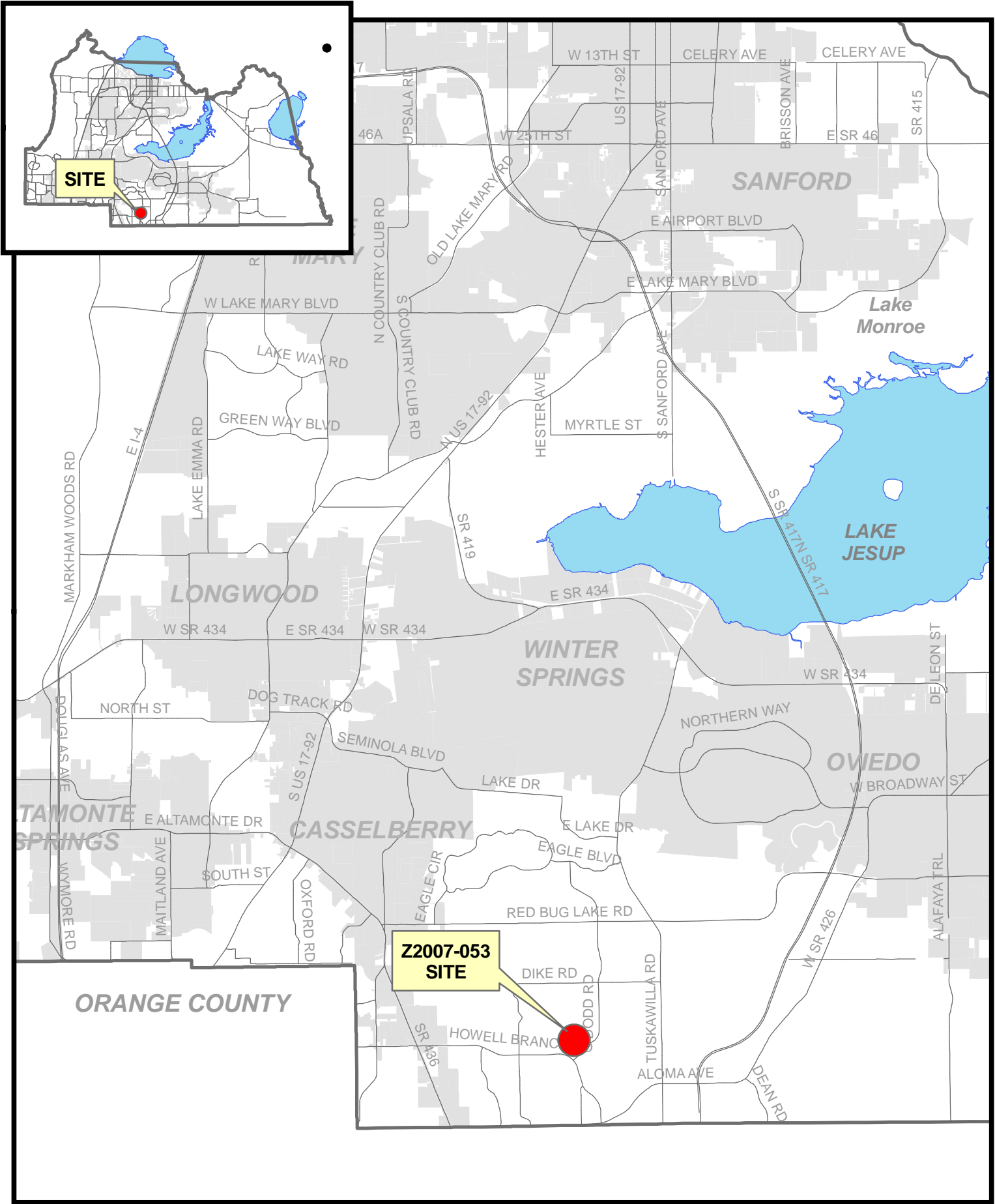
An intergovernmental notice was sent to the Seminole County School Board on September 9, 2007 and they have provided a School Capacity Analysis, which is attached.

**LETTERS OF SUPPORT OR OPPOSITION:**

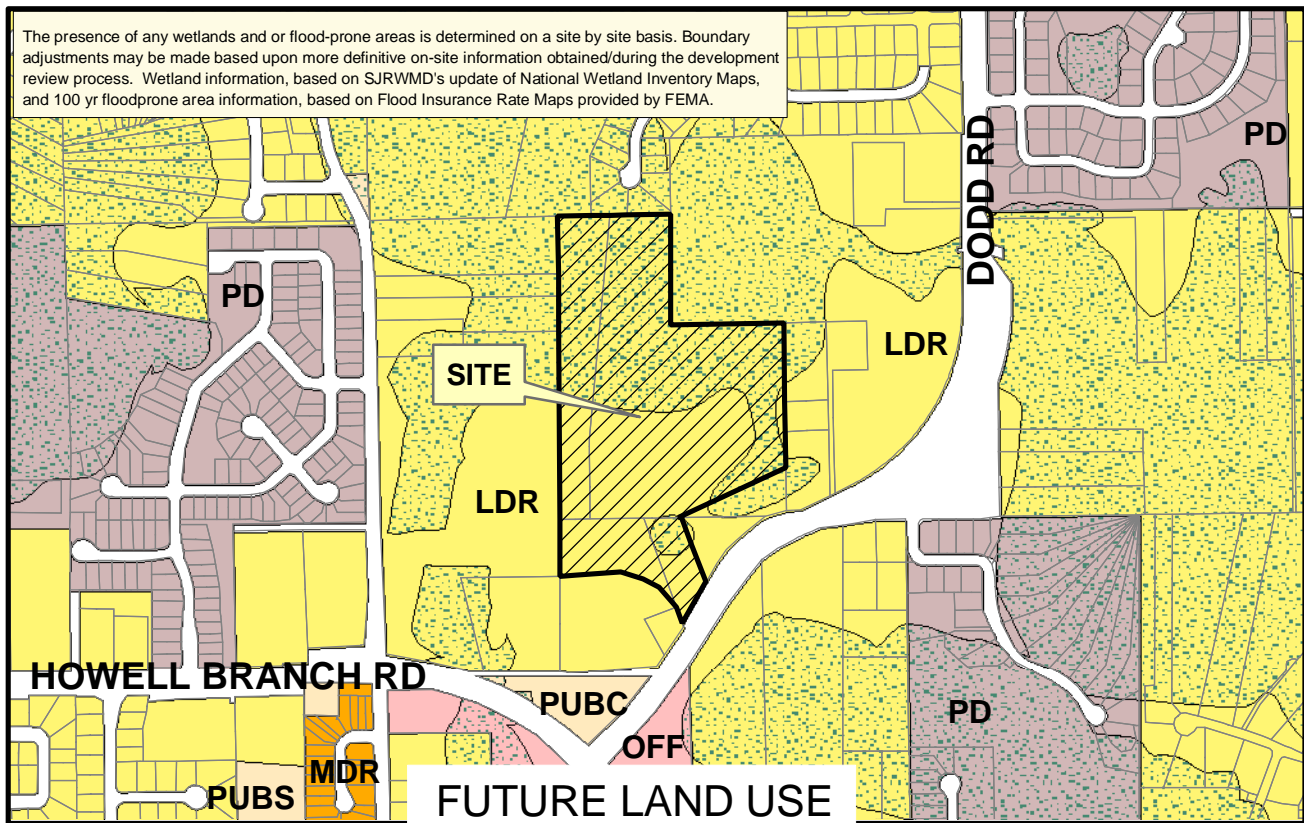
Staff received no letters of support or opposition.

**STAFF RECOMMENDATION:**

Staff recommends APPROVAL of the request to rezone 26.78 ± acres, located on the west side of Dodd Road and North of Howell Branch Road, from A-1 (Agriculture) to PUD (Planned Unit Development), and recommend approval of the attached Preliminary Master Plan, subject to the conditions in the attached Development Order.



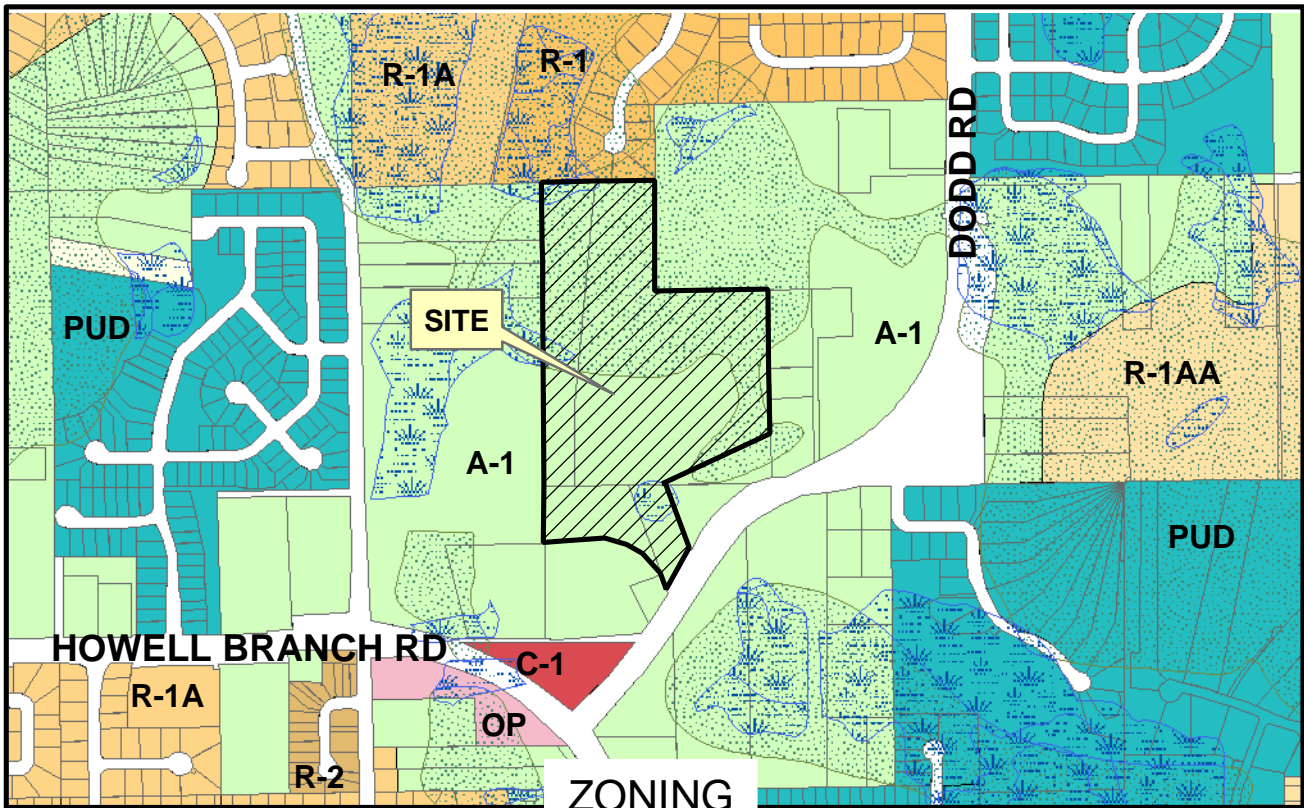
The presence of any wetlands and or flood-prone areas is determined on a site by site basis. Boundary adjustments may be made based upon more definitive on-site information obtained/during the development review process. Wetland information, based on SJRWMD's update of National Wetland Inventory Maps, and 100 yr floodprone area information, based on Flood Insurance Rate Maps provided by FEMA.



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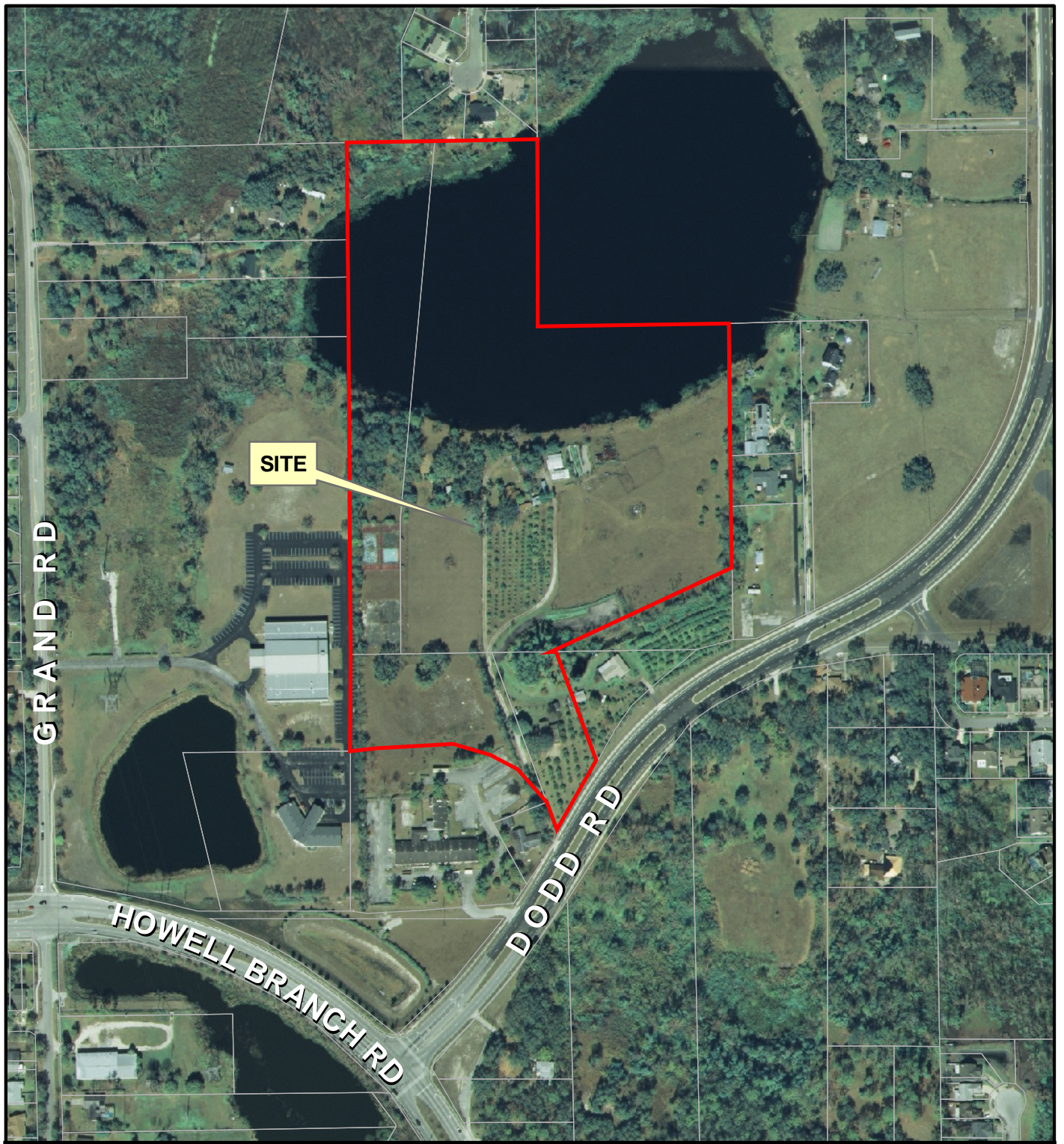
Applicant: Ralph Spano  
 Physical STR: 26-21-30 and 35-21-30  
 Gross Acres: 26.78 +/- BCC District: 1  
 Existing Use: Vacant, agricultural and residential  
 Special Notes:

	Amend/ Rezone#	From	To
FLU	--	--	--
Zoning	Z2007-053	A-1	PUD



A-1
  R-1
  R-1A
  R-1AA
  OP
  C-1
  FP-1
  W-1





Rezone No: Z2007-053  
From: A-1 To: PUD



Parcel



Subject Property



Winter 2006 Color Aerials



# PROJECT TEAM :

**OWNER:**  
EDEN POINT LLC  
5500 W. GARDEN LANE  
PARADISE VALLEY, AZ  
PHONE: (480) 507-1540  
FAX: (480) 507-1543

**APPLICANT:**  
MILLER EDENHOUSE AVER & BOUD  
5323 MILLER LANE  
DUMAS, LA 70020  
PHONE: (407) 447-5555  
FAX: (407) 447-5554

**PLANNER:**  
BISHMAN SURVEYING AND MAPPING, INC.  
1000 N. GARDEN LANE  
WINTER GARDEN, FL 34787  
PHONE: (407) 305-8877  
FAX: (407) 305-8875

# PROJECT DESCRIPTION:

The project includes 39 single family lots in a private, gated community accessing Dodd Rd. 18 lots will be 1/2 acre lots and 21 lots will be 1/4 acre lots. The remaining 28 lots are 60' x 115'. A community amenity will be constructed in the center of the site and lake access will be provided via a 25' easement on the eastern boundary of the project. A wall will be constructed along the eastern boundary of the project to provide for the management of common areas and facilities. Legal instruments will be created to provide for the management of common areas and facilities, including common area easements over the designated wetland areas. The project will include a private dock constructed in accordance with Seminole County rules and other requirements will be permitted on lots 19 through 39. A community dock shall be permitted on Tract 1 provided that said dock does not exceed 100 sq ft.

# SITE DATA:

Location: The site is located west of Dodd Rd. and north of Howell Branch Rd. on Garden Lake in unincorporated Seminole County, FL.

**FUTURE LAND USE DESIGNATION:** LOW DENSITY RESIDENTIAL  
**PROPOSED ZONING:** RFD  
**EXISTING LAND USE:** VACANT, RESIDENTIAL & AGRICULTURAL

# IMPACT ANALYSIS:

<b>SCHOOLS</b>	ELMENTARY: 39 X 1.24 STUDENTS/UNIT MIDDLE: 39 X 1.24 STUDENTS/UNIT HIGH: 39 X 1.24 STUDENTS/UNIT	10 STUDENTS 10 STUDENTS 5 STUDENTS
<b>ROADS</b>	39 X 9.37 AC/TOU 39 X 330 GPD/OU 39 X 300 GPD/OU	373 ADT 13,650 GPD 11,700 GPD

# UTILITY COMPANIES:

**WATER:** SEMINOLE COUNTY UTILITIES  
**ELECTRIC:** PROGRESS ENERGY, INC.  
**SEWER:** SEMINOLE COUNTY UTILITIES  
**WETLANDS:** WETLANDS AND SHORELINE DESIGN SHALL MEET SEMINOLE COUNTY AND FEDERAL REQUIREMENTS.  
**STORMWATER:** The stormwater management system shall be designed to meet Seminole County and SWFWMD requirements.  
**SANITARY SEWER:** Connect to existing 8" force main on north side of Dodd Road

# FLOOD ZONE:

Flood Zone is elevation 55.00 per F.I.R. Panel # 12117C0210 E & 12117C0141 E

# PRIVATE ROAD (IF APPLICABLE) AND COMMON AREAS:

The private road and common areas will be owned and maintained by a Homeowners' Association. Final locations and design to be determined at final master plan.

# FIRE PROTECTION:

Fire protection will be provided through a series of firehydrants in accordance with the Seminole County project safety standards, approved by the Fire and Development Code.

# WETLAND IMPACTS:

Wetland impacts are proposed to any of the existing wetland areas. All designated wetlands will be preserved.

# LAND USE ACRESAGE

LAKE AREA	9.74 AC	TRACT 1N	0.14 AC
WETLANDS	9.74 AC	TRACT 1S	0.14 AC
WETLANDS NORTH OF LAKE	0.20 AC	TRACT 2N	0.14 AC
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WETLANDS			

**SEMINOLE COUNTY APPROVAL DEVELOPMENT  
ORDER**

On December 11, 2007, Seminole County issued this Development Order relating to and touching and concerning the following described property:

Legal description attached as Exhibit "A".

(The aforescribed legal description has been provided to Seminole County by the owner of the aforescribed property.)

**FINDINGS OF FACT**

**Property Owner:** Eden Point LLC, Michael Lechter  
6611 N. 64<sup>th</sup> PL  
Paradise Valley, AZ 85253

**Project Name:** Eden Point PUD Rezone

**Requested Development Approval:**

Rezone from A-1 (Agriculture) to PUD (Planned Unit Development) on approximately 26.78 acres, located on the west side of Dodd Road and North of Howell Branch Road.

The Development Approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.

The owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

Prepared by:

Austin Watkins, Senior Planner  
1101 East First Street  
Sanford, Florida 32771



**NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:**

(1) The aforementioned application for development approval is **GRANTED.**

(2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.

(3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:

- a. All development shall comply with the Preliminary Master Plan attached as Exhibit "B".
- b. The maximum allowable density shall not exceed 3 dwelling units per net buildable acre, up to a maximum of 39 dwelling units.
- c. Maximum allowable building height shall be 35 feet.
- d. The building setbacks shall be as follows:

Front:	20 ft.
Side:	11 Lake access lots 10 ft.
	28 remaining lots 5 ft
Rear:	11 Lake access lots 20 ft.
	28 remaining lots 15 ft.
Side Street:	15 ft.

- e. The minimum lot size for the eleven (11) lots having access to the lake shall be a minimum of 11,900 square feet. The remaining twenty-eight (28) lots shall have a minimum lot size of 6,900 square feet.
- f. The permitted uses shall be single-family detached dwellings, home offices, and home occupations.
- g. All landscape buffers and common areas shall be maintained by a homeowners association.
- h. A minimum of 25% useable open space shall be provided for the entire PUD. The stormwater retention pond shall be amenitized

with a mulch path and bench to be counted towards common open space.

- i. One community dock will be permitted on Tract I not to exceed 1,000 square feet, only for resident's use.
- j. There shall be one access point on Dodd Road as shown on Exhibit "B".

(4) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owner of the said property has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.

(5) The terms and provisions of this Order are not severable and in the event any portion of this Order shall be found to be invalid or illegal then the entire order shall be null and void.

**Done and Ordered on the date first written above.**

By: \_\_\_\_\_  
Brenda Carey  
Chairman, Board of County Commissioners

**OWNER'S CONSENT AND COVENANT**

**COMES NOW**, the owner, Eden Point LLC, on behalf of itself and its heirs, successors, assigns or transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Order

---

Witness

---

Michael Lechter, Manager

---

Witness**STATE OF FLORIDA        )****COUNTY OF SEMINOLE )**

**I HEREBY CERTIFY** that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Michael Lechter who is personally known to me or who has produced \_\_\_\_\_ as identification and who did take an oath.

**WITNESS** my hand and official seal in the County and State last aforesaid this \_\_\_\_ day of \_\_\_\_\_, 2007.

---

Notary Public, in and for the County and State  
Aforementioned  
My Commission Expires:

**OWNER'S CONSENT AND COVENANT**

**COMES NOW**, the owner, Thelma C. Yates Revocable Trust and William L. Family Trust, on behalf of itself and its heirs, successors, assigns or transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Order

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Thelma C. Yates

\_\_\_\_\_  
Witness

**STATE OF FLORIDA        )**

**COUNTY OF SEMINOLE )**

**I HEREBY CERTIFY** that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Thelma C. Yates who is personally known to me or who has produced \_\_\_\_\_ as identification and who did take an oath.

**WITNESS** my hand and official seal in the County and State last aforesaid this \_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
Notary Public, in and for the County and State  
Aforementioned  
My Commission Expires:

**EXHIBIT "A"****LEGAL DESCRIPTION**

A PORTION OF THE NORTHEAST 1/4 OF SECTION 35 AND THE SOUTHEAST 1/4 OF SECTION 26, TOWNSHIP 21 SOUTH, RANGE 30 EAST, SEMINOLE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCE AT THE NORTHWEST CORNER OF SAID NORTHEAST 1/4 OF SECTION 35; THENCE RUN N88°46'05"E ALONG THE NORTH LINE OF SAID NORTHEAST 1/4, 820.20 FEET TO THE SOUTHWEST CORNER OF THE EAST 1/2 OF THE EAST 3/4 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 26 FOR THE POINT OF BEGINNING; THENCE CONTINUE N88°46'05"E, 4.80 FEET TO THE EAST LINE OF THE WEST 825.00 FEET OF SAID NORTHEAST 1/4 OF SECTION 35; THENCE RUN S01°12'12"E ALONG SAID EAST LINE OF THE WEST 825.00 FEET, 232.27 FEET; THENCE RUN N88°52'12"E, 194.97 FEET; THENCE RUN S72°27'53"E, 105.48 FEET; THENCE RUN S61°57'53"E, 74.86 FEET; THENCE RUN S49°24'29"E, 53.92 FEET; THENCE RUN S53°28'17"E, 33.96 FEET; THENCE RUN S20°41'57"E, 85.24 FEET; THENCE RUN S20°43'21"E, 55.18 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF DODD ROAD; THENCE RUN N30°16'04"E ALONG SAID NORTHERLY RIGHT OF WAY LINE, 195.88 FEET; THENCE RUN N21°03'56"W, 345.77 FEET TO THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SECTION 26; THENCE RUN N88°46'05"E ALONG SAID SOUTH LINE, 91.01 FEET TO THE CENTERLINE OF A DITCH; THENCE RUN N68°02'38"E ALONG SAID CENTERLINE OF DITCH, 440.75 FEET; THENCE RUN N00°04'28"W, 667.99 FEET TO THE NORTH LINE OF THE WEST 1/2 OF THE SOUTH 5/8 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 26; THENCE RUN S88°50'15"W ALONG SAID NORTH LINE, 487.55 FEET; THENCE RUN N01°03'24"W ALONG THE EAST LINE OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 26, 494.65 FEET TO THE NORTHEAST CORNER OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 26; THENCE RUN S88°52'45"W ALONG THE NORTH LINE OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4, 492.41 FEET TO THE NORTHWEST CORNER OF THE EAST 1/2 OF THE EAST 3/4 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 26; THENCE RUN S01°07'48"E ALONG THE WEST LINE OF THE EAST 1/2 OF THE EAST 3/4 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 26, 1320.02 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS 26.78 ACRES MORE OR LESS.

Z2007-53

Development Order #: 07-20500004

**EXHIBIT "B"**

Preliminary Master Plan

**OWNER:** EDEN POINT LLC  
6614 NORTH EAST BLVD

**APPLICANT:** MILLER, EINHOLZ, MYER & BOND  
**ENGINEER:** 5522 RUTLAND LAKES BLVD., SUITE 220  
**PLANNER:** OAKLAND, NJ 07069  
**SURVEYOR:** PHONE: (407) 447-5555  
 FAX: (407) 447-5554  
 ELSHANN SURVEYING AND MAPPING, INC.  
 10001 W. 11TH AVENUE, SUITE 100  
 DENVER, CO 80231  
 PHONE: (303) 751-1100  
 FAX: (303) 751-1101

## FAX: (407) 905-8875

Legal instruments will be created to provide for the management of common areas and facilities, including common water easements over the designated watershed tract. Recreation facilities will include a swimming pool, tennis courts, and a playground. The project will also include a 100-ft wide, 140-ft long swimming pool, 11 tennis courts, a playground, and a picnic area. The total site area is 185 acres. The project will be developed in three phases. The first phase will consist of the construction of the site and access will be provided via a 2½-acre easement on the eastern boundary of the project. A 6½-mile trail will be constructed on the northern boundary to buffer against the local road and use.

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unincorporated Seminole County, Fl.

FUTURE LAND USE DESIGNATION:	LOW DENSITY RESIDENTIAL
EXISTING ZONING:	A-1
PROPOSED ZONING:	PUD
EXISTING LAND USE:	VACANT, RESIDENTIAL & AGRICULTURE

SCHOOLS	
ELEMENTARY	39 X 249 STUDENTS/UNIT
	10 STUDENT

MIDDLE HIGH	STUDENT
39 X 114 STUDENT/UNIT	4 STUDENT
39 X 124 STUDENT/UNIT	5 STUDENT
TOTAL	29 STUDENT

**ELECTRIC: PROGRESS ENERGY, INC.**

**UTILITIES:**  
Water and Sewer utilities design shall meet Seminole County and FDEP requirements.  
**WATER:** Connect to existing 12" Water Main on south side of Dodd Road  
**SEWARIARY SEWER:** Connect to existing 8" Force Main on north side of Dodd Road

**FLOOD ZONE:**

Flood Zone at elevation 55.00 per F.I.R.M. Panel # 12117CQ210 E & 12117CQ145 E

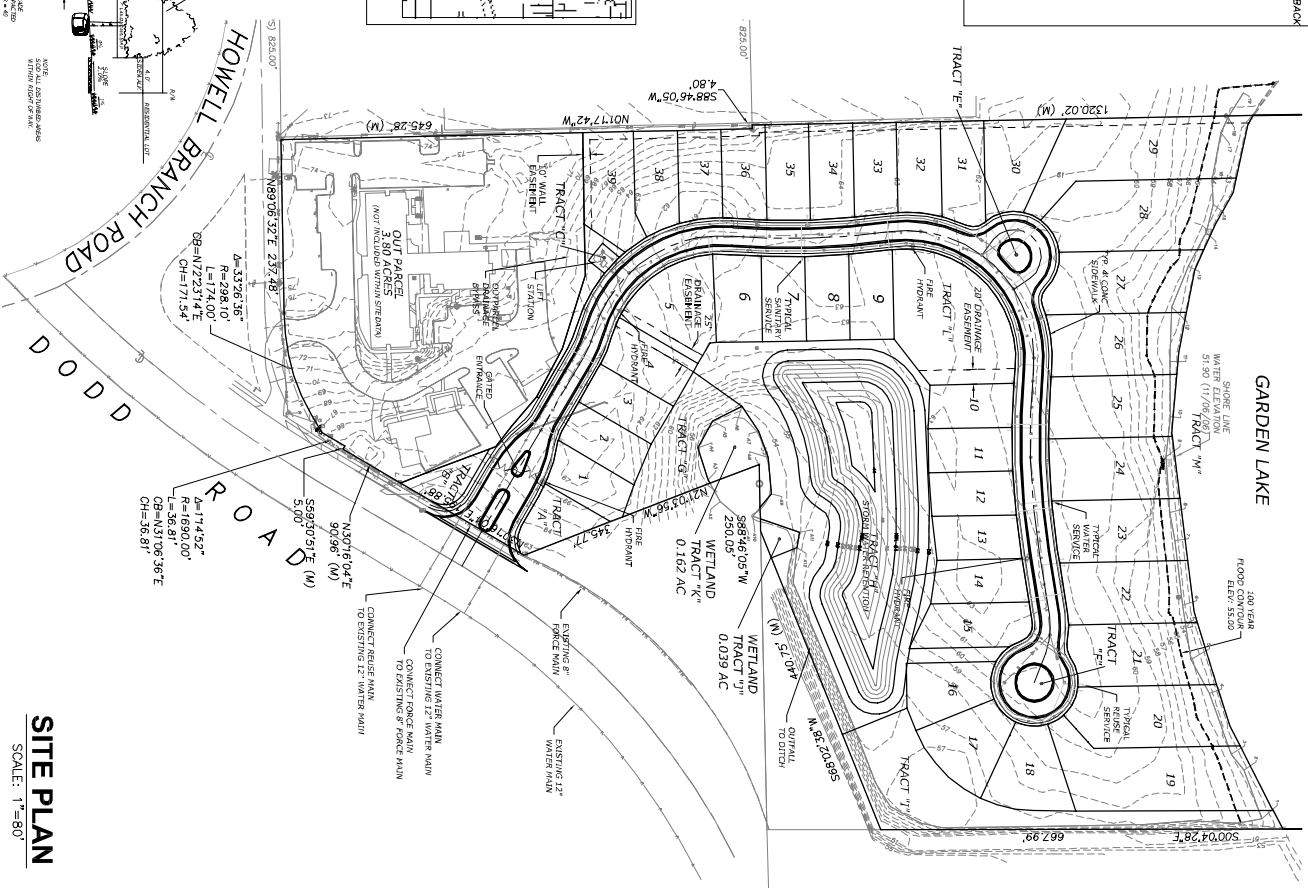
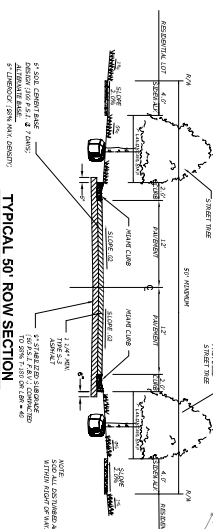
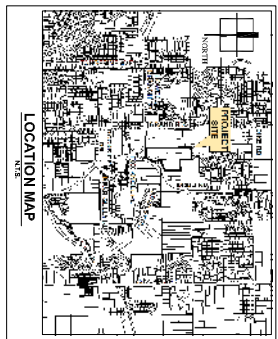
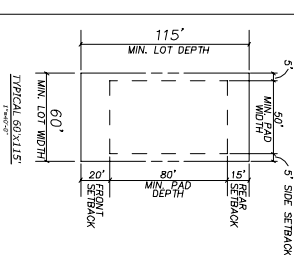
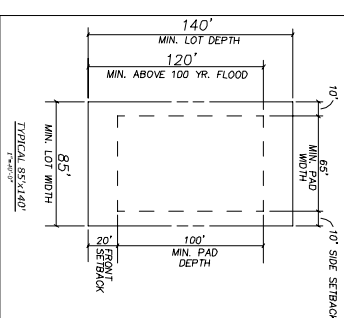
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## 1. KEY AREAS

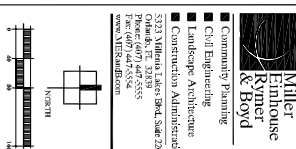
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TOTAL	14.13.
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<b>DENSITY CALCULATIONS</b>	
NO. SF UNITS	39
GROSS SITE AREA	26.78
GROSS DENSITY	1.46
NET AREA SOUTH OF LAKE	16.25
80%	13.00
<b>NET DENSITY</b>	<b>3.00</b>



SCALE: 1 = 00



FAX: (407) 447-8326  
www.MERandB.com

**EDEN POINT**  
Seminole County  
Prepared For: Eden Point LLC

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**PRELIMINARY PUD PLAN**

Engineer In Charge:  
Jeffrey D. Einhouse, P.E.

August 9, 2007

Registration # 19017  
Certificate Of

AN ORDINANCE AMENDING, PURSUANT TO THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY, THE ZONING CLASSIFICATIONS ASSIGNED TO CERTAIN PROPERTY LOCATED IN SEMINOLE COUNTY (LENGTHY LEGAL DESCRIPTION ATTACHED AS EXHIBIT); ASSIGNING CERTAIN PROPERTY CURRENTLY ASSIGNED THE A-1 (AGRICULTURE) ZONING CLASSIFICATION THE PUD (PLANNED UNIT DEVELOPMENT) ZONING CLASSIFICATION; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EXCLUSION FROM CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:

**Section 1. LEGISLATIVE FINDINGS.**

(a) The Board of County Commissioners hereby adopts and incorporates into this Ordinance as legislative findings the contents of the documents titled "Eden Point Rezone", dated January 8, 2008.

(b) The Board hereby determines that the economic impact statement referred to by the Seminole County Home Rule Charter is unnecessary and waived as to this Ordinance.

**Section 2. REZONINGS.** The zoning classification assigned to the following described property is changed from A-1 (Agriculture) to PUD (Planned Unit Development):

**SEE ATTACHED EXHIBIT A**

**Section 3. EXCLUSION FROM CODIFICATION.** It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall not be codified.



**Section 4. SEVERABILITY.** If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, it is the intent of the Board of County Commissioners that the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

**Section 5. EFFECTIVE DATE.** A certified copy of this Ordinance shall be provided to the Florida Department of State by the Clerk of the Board of County Commissioners in accordance with Section 125.66, Florida Statutes, and this Ordinance shall be effective on the recording date of the Development Order # 07-20500004 in the Official Land Records of Seminole County.

ENACTED this 8th day of January 2008.

BOARD OF COUNTY COMMISSIONERS  
SEMINOLE COUNTY, FLORIDA

By: \_\_\_\_\_  
Brenda Carey, Chairman

## **EXHIBIT "A"**

### **LEGAL DESCRIPTION**

A PORTION OF THE NORTHEAST 1/4 OF SECTION 35 AND THE SOUTHEAST 1/4 OF SECTION 26, TOWNSHIP 21 SOUTH, RANGE 30 EAST, SEMINOLE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCE AT THE NORTHWEST CORNER OF SAID NORTHEAST 1/4 OF SECTION 35; THENCE RUN N88°46'05"E ALONG THE NORTH LINE OF SAID NORTHEAST 1/4, 820.20 FEET TO THE SOUTHWEST CORNER OF THE EAST 1/2 OF THE EAST 3/4 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 26 FOR THE POINT OF BEGINNING; THENCE CONTINUE N88°46'05"E, 4.80 FEET TO THE EAST LINE OF THE WEST 825.00 FEET OF SAID NORTHEAST 1/4 OF SECTION 35; THENCE RUN S01°12'12"E ALONG SAID EAST LINE OF THE WEST 825.00 FEET, 232.27 FEET; THENCE RUN N88°52'12"E, 194.97 FEET; THENCE RUN S72°27'53"E, 105.48 FEET; THENCE RUN S61°57'53"E, 74.86 FEET; THENCE RUN S49°24'29"E, 53.92 FEET; THENCE RUN S53°28'17"E, 33.96 FEET; THENCE RUN S20°41'57"E, 85.24 FEET; THENCE RUN S20°43'21"E, 55.18 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF DODD ROAD; THENCE RUN N30°16'04"E ALONG SAID NORTHERLY RIGHT OF WAY LINE, 195.88 FEET; THENCE RUN N21°03'56"W, 345.77 FEET TO THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SECTION 26; THENCE RUN N88°46'05"E ALONG SAID SOUTH LINE, 91.01 FEET TO THE CENTERLINE OF A DITCH; THENCE RUN N68°02'38"E ALONG SAID CENTERLINE OF DITCH, 440.75 FEET; THENCE RUN N00°04'28"W, 667.99 FEET TO THE NORTH LINE OF THE WEST 1/2 OF THE SOUTH 5/8 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 26; THENCE RUN S88°50'15"W ALONG SAID NORTH LINE, 487.55 FEET; THENCE RUN N01°03'24"W ALONG THE EAST LINE OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 26, 494.65 FEET TO THE NORTHEAST CORNER OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 26; THENCE RUN S88°52'45"W ALONG THE NORTH LINE OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4, 492.41 FEET TO THE NORTHWEST CORNER OF THE EAST 1/2 OF THE EAST 3/4 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 26; THENCE RUN S01°07'48"E ALONG THE WEST LINE OF THE EAST 1/2 OF THE EAST 3/4 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 26, 1320.02 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS 26.78 ACRES MORE OR LESS.

## **SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER**

On December 11, 2007, Seminole County issued this Development Order relating to and touching and concerning the following described property:

Legal description attached as Exhibit "A".

### **FINDINGS OF FACT**

**Property Owner:** Eden Point LLC, Michael Lechter  
6611 N. 64<sup>th</sup> PL  
Paradise Valley, AZ 85253

**Project Name:** Eden Point PUD Rezone

#### **Requested Development Approval:**

Rezone from A-1 (Agriculture) to PUD (Planned Unit Development) on approximately 26.78 acres, located on the west side of Dodd Road and north of Howell Branch Road.

The Board of County Commissioners has determined that the request for rezone from A-1 (Agriculture) to PUD (Planned Unit Development) is not compatible with the surrounding area and could not be supported.

After fully considering staff analysis titled "Eden Point rezone from A-1 (Agriculture) to PUD (Planned Unit Development)" and all evidence submitted at the public hearing on December 11, 2007, regarding this matter the Board of County Commissioners have found, determined and concluded that the requested development approval should be denied.

### **ORDER**

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:  
The aforementioned application for development approval is DENIED.  
Done and Ordered on the date first written above.

SEMINOLE COUNTY BOARD  
OF COUNTY COMMISSIONERS

By: \_\_\_\_\_  
Brenda Carey, Chairman

EXHIBIT "A"

## LEGAL DESCRIPTION

A PORTION OF THE NORTHEAST 1/4 OF SECTION 35 AND THE SOUTHEAST 1/4 OF SECTION 26, TOWNSHIP 21 SOUTH, RANGE 30 EAST, SEMINOLE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCE AT THE NORTHWEST CORNER OF SAID NORTHEAST 1/4 OF SECTION 35; THENCE RUN N88°46'05"E ALONG THE NORTH LINE OF SAID NORTHEAST 1/4, 820.20 FEET TO THE SOUTHWEST CORNER OF THE EAST 1/2 OF THE EAST 3/4 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 26 FOR THE POINT OF BEGINNING; THENCE CONTINUE N88°46'05"E, 4.80 FEET TO THE EAST LINE OF THE WEST 825.00 FEET OF SAID NORTHEAST 1/4 OF SECTION 35; THENCE RUN S01°12'12"E ALONG SAID EAST LINE OF THE WEST 825.00 FEET, 232.27 FEET; THENCE RUN N88°52'12"E, 194.97 FEET; THENCE RUN S72°27'53"E, 105.48 FEET; THENCE RUN S61°57'53"E, 74.86 FEET; THENCE RUN S49°24'29"E, 53.92 FEET; THENCE RUN S53°28'17"E, 33.96 FEET; THENCE RUN S20°41'57"E, 85.24 FEET; THENCE RUN S20°43'21"E, 55.18 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF DODD ROAD; THENCE RUN N30°16'04"E ALONG SAID NORTHERLY RIGHT OF WAY LINE, 195.88 FEET; THENCE RUN N21°03'56"W, 345.77 FEET TO THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SECTION 26; THENCE RUN N88°46'05"E ALONG SAID SOUTH LINE, 91.01 FEET TO THE CENTERLINE OF A DITCH; THENCE RUN N68°02'38"E ALONG SAID CENTERLINE OF DITCH, 440.75 FEET; THENCE RUN N00°04'28"W, 667.99 FEET TO THE NORTH LINE OF THE WEST 1/2 OF THE SOUTH 5/8 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 26; THENCE RUN S88°50'15"W ALONG SAID NORTH LINE, 487.55 FEET; THENCE RUN N01°03'24"W ALONG THE EAST LINE OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 26, 494.65 FEET TO THE NORTHEAST CORNER OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 26; THENCE RUN S88°52'45"W ALONG THE NORTH LINE OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4, 492.41 FEET TO THE NORTHWEST CORNER OF THE EAST 1/2 OF THE EAST 3/4 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 26; THENCE RUN S01°07'48"E ALONG THE WEST LINE OF THE EAST 1/2 OF THE EAST 3/4 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 26, 1320.02 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS 26.78 ACRES MORE OR LESS.

**MINUTES FOR THE SEMINOLE COUNTY  
LAND PLANNING AGENCY/PLANNING AND ZONING COMMISSION  
NOVEMBER 7, 2007**

**Members present:** Melanie Chase, Ben Tucker, Matthew Brown, and Kim Day

**Members absent:** Walt Eismann, Rob Wolf, and Dudley Bates

**Also present:** Tina Williamson, Acting Planning Manager; Dori DeBord, Director of Planning and Development; Herman Wright, Principal Planner; Ian Sikonia, Senior Planner; Tony Walter, Principal Planner; Tony Nelson, Senior Engineer; Kathy Furey-Tran, Assistant County Attorney; Candace Lindlaw-Hudson, Clerk to the Commission

**E. Eden Point Rezone; Ralph Spano, Spano & Associates, Inc., applicant;** 26.78± acres. Rezone A-1 (Agriculture) to PUD (Planned Unit Development); located on the west side of Dodd Road and north of Howell Branch Road. (Z2007-53)

Commissioner Dallari - District 1  
Herman Wright, Senior Planner

Mr. Wright noted that he had 2 pages of changes to the staff reports to amend the agenda book.

The applicant is requesting a PUD (Planned Unit Development) with 39 residential lots, 11 of which have lake access and be a minimum of 11,900 square feet. The remaining 28 lots will be a minimum of 6,900 square feet. The net density of the proposed PUD is 3 dwelling units per net buildable acre. The existing future land use on the property is Low Density Residential, which allows such development. The request is consistent with area development. Staff recommendation is for approval of the request.

Dianne Kramer stated that she concurred with staff recommendations.

Suzanna Lawler-Isco of 1570 Dodd Road was concerned with the minimum house size and wanted to know that the homes would be comparable to hers.

Commissioner Tucker asked what her house size was.

Ms. Lawler-Isco said she had a 3,000 square-foot home with detached garage.

Basil Dodd of 1424 Dodd Road said that he was concerned about the ditch that runs along Dodd Road. Will the ditch be cleaned out and maintained? The property also runs along the lake bottom to the other side of the lake. What will

happen there? There is dry land there. Will the land be green space? Will the ditch be opened up for public access? At one time it was a privately dredged canal.

Commissioner Tucker asked if Mr. Dodd was related to Jack Dodd who served on the Agricultural Commission in Tallahassee.

Mr. Dodd said he was related to Jack Dodd. Mr. Dodd said that father was B.C. Dodd who served as a Seminole County Commissioner for 12 years.

Dianne Kramer said that some of the questions will be answered later in the process. The ditch Mr. Dodd referred to is not on the subject property. There will be no public access to the lake. This will be a high-end, gated community. Property on the other side of the lake will be sold off to adjacent homeowners there. That property is not in the green space calculations for the PUD; all green space is on the south side of the lake.

Commissioner Tucker asked about house sizes and prices of homes.

Ms. Kramer said there were two types of lots and homes in the project. Lake front homes will be larger, high-end custom homes. These homes will be \$500,000.00 and up. The smaller lots will have smaller houses. They will be compatible with the area.

**Commissioner Chase made a motion to recommend approval of the requested rezone, attached Preliminary Master Plan, and Development order.**

**Commissioner Tucker seconded the motion.**

**The motion passed 4 – 0.**



## SEMINOLE COUNTY PUBLIC SCHOOLS School Capacity Report

**To:** Seminole County Board of County Commissioners

**From:** George Kosmac, Deputy Superintendent, Seminole County Public Schools

**Date:** October 15, 2007

**RE. Z2007-053 Eden Point Rezone**

Seminole County Public Schools (SCPS), in reviewing the above rezone request, has determined that if approved the new zoning designation would have the effect of increasing residential density, and as a result generate additional school age children.

**Description** - 26.8—acres located on West side of Dodd Road & North of Howell Branch Road. The applicant is proposing to construct approximately 36 single-family dwelling unit subdivision, at a density of approximately 3.0 dwelling units per net buildable acre. Parcel ID #: 26-21-30-300-0260-0000.

Based on information received from Seminole County Planning and from the staff report for the request, SCPS staff has summarized the potential school enrollment impacts in the following tables:

<i><b>Total Proposed units</b></i>					
<b>Total # of Units</b>		<b># of Single-Family Lots</b>		<b># of Multi-Family Units</b>	
36		36		0	
<i><b>Student Generation</b></i>					
<i><b>Impacted Schools</b></i>	<i><b>Projected Number of Additional Students</b></i>	<i><b>Current Capacity</b></i>	<i><b>Current Enrollment</b></i>	<i><b>Percent Utilization</b></i>	<i><b>Students Resulting from Recently Approved Developments</b></i>
<b>Elementary</b> Red Bug	9	819	841	102.7	13
<b>Middle</b> Tuskawilla	4	1250	1153	92.2	33
<b>High</b> Lake Howell	5	2363	2241	94.9	36

## **Terms and Definitions:**

**Florida Inventory of School Houses (FISH):** The numbering and data collection system developed and assigned through the Department of Education for land parcels, buildings, and rooms in public educational facilities. Based upon district data entry, FISH generates the student station counts and report data for school spaces throughout the districts and the State.

**Student Stations:** The actual number or count of spaces contained within a room that can physically accommodate a student. By State Board Rule, the student station count is developed at the individual room level. Prior to Class Size Reduction (CSR), the number of student stations assigned to a room was dependent upon the room size and the particular the instructional program assigned to the room. This is no longer the case for core curricula spaces (see e. below). The total number of student stations at a campus is determined by the cumulative student station count total of the rooms at the campus that are assigned student station counts.

**Utilization:** A State Board Rule prescribed percentage of student stations that a room (and proportionately, a school and school district) can satisfactorily accommodate at any given time. From a school/campus analysis perspective, "utilization" is determined as the percentage of school enrollment to capacity. Current DOE established K-12 utilization factors are as follows:

Elementary 100%, Middle 90%, High 95%

**Capacity:** The number of students that can be satisfactorily accommodated in a room at any given time and which, is typically a lesser percentage of the total number of student stations. That percentage factor is typically referred to as the "Utilization Factor". The capacity of a campus is therefore determined by multiplying the total number of student stations by the utilization factor (percentage). NOTE: Capacity is **ONLY** a measure of space, not of enrollment.

**Class Size Reduction (CSR):** Article IX of the Florida Constitution requires the legislature to "make adequate provision" to ensure that by the beginning of the 2010 school year, there will be a sufficient number of classrooms for a public school in core related curricula so that:

- i) The maximum number of students who are assigned to each teacher who is teaching in public school classrooms for pre-kindergarten through grade 3 does not exceed 18 students;
- ii) The maximum number of students who are assigned to each teacher who is teaching in public school classrooms for grades 4 through 8 does not exceed 22 students; and
- iii) The maximum number of students who are assigned to each teacher who is teaching in public school classrooms for grades 9 through 12 does not exceed 25 students

**School Size:** For planning purposes, each public school district must determine the maximum size of future elementary, middle and high schools. Existing school size is determined solely through FISH data. Seminole County Public Schools has established the sizes of future schools (with the exception of special centers and magnet schools) as follows:

- i) Elementary: 780 student stations
- ii) Middle: 1500 student stations



iii) High: 2,800 student stations

**Projected Number of Additional Students:** is determined by applying the current SCPS student generation rate (calculated by using US Census data analysis) to the number and type of units proposed. The number of units is determined using information provided by the County and/or from the applicant's request. If no actual unit count is provided the unit count is then estimated based on the maximum allowable density under the existing/proposed future land use designation.

**Full Time Equivalent (FTE)** - A calculation of student enrollment conducted by The Florida Department of Education (FDOE) authorized under Section 1011.62, Florida Statutes to determine a maximum total weighted full-time equivalent student enrollment for each public school district for the K-12 Florida Educational Funding Program (FEFP).

**Students Resulting from Recently Approved Developments** is a summary of students generated from developments approved and platted since January 2005. Student enrollment changes due to existing housing are excluded from these totals.

**Comments:**

The students generated at the and Middle and High school level resulting from the proposed development, would at this point be able to be absorbed into the zoned schools without adverse affect. However, the students generated from the new residential dwelling units could not be absorbed into the elementary, without the increased use of relocatable student stations (portables) or significant reduction in level of service at the affected campus. There are no planned expansions/additions in the current five-year capital plan that would provide additional student capacity to relieve the affected school.

In addition to the students generated from the proposal, the number of students expected from recent developments in the attendance areas of the affected schools would also place further capacity pressures on the school system. These new developments combined with this proposal and any subsequent approvals may affect the provision of concurrent school facilities at the point of final subdivision approval, including the potential of not meeting statutory concurrency requirements.